

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA

v.

FRANCISCO BUENROSTRO DELGADO,
Defendant.

No. 5:19-cr-34

MOTION FOR DETENTION

NOW COMES the United States of America, by and through its attorney, Christina E. Nolan, United States Attorney for the District of Vermont, and moves for pretrial detention of the above-named defendant pursuant to 18 U.S.C. § 3142(e) and (f).

1. Eligibility for Detention. This defendant is eligible for detention because the defendant is charged with a drug felony that has a potential sentence of up to life.
2. Reason For Detention. The Court should detain the defendant because there are no conditions of release which will reasonably assure the safety of the community or his continued appearance.
3. Rebuttable Presumption. The United States invokes the rebuttable presumption against defendant under § 3142(e). Buenrostro-Delgado has been charged by Indictment, constituting a determination of probable cause that he has committed the charged offenses.
4. Time for Detention Hearing. The United States requests the court conduct the detention hearing at the defendant's arraignment.
5. Discussion.

Several factors weigh in favor of detention.

First, the nature of the charge, distribution of large quantities of methamphetamine, is very serious. Buenrostro Delgado faces a mandatory minimum sentence of at least 10 years if convicted. Methamphetamine is a dangerous and addictive drug. According to the DEA, chronic use can lead to violence, paranoia, and delusions. Consumption of high doses can result in death from stroke, heart attack, or other organ problems caused by overheating. *See* Drugs of Abuse, a DEA Resource Guide (2017) (available at https://www.dea.gov/sites/default/files/sites/getsmartaboutdrugs.com/files/publications/DoA_2017Ed_Updated_6.16.17.pdf#page=54).

Second, the evidence against Buenrostro Delgado is substantial. Agents observed Buensrostro Delgado personally deliver approximately ten kilograms of methamphetamine, destined for Vermont, in February of this year. Laboratory analysis concluded this methamphetamine was approximately 92% pure, resulting in a base offense level under the United States Sentencing Guidelines of 38. Without further adjustment, that offense level would result in a Guideline sentencing range of 235 to 293 months, substantially longer than the ten year mandatory minimum sentence Buenrostro Delgado faces if convicted.

Third, the United States understands Buenrostro Delgado is a citizen of Mexico without any ties to this district. He presents a risk of flight that cannot be addressed by conditions.

Dated at Burlington, in the District of Vermont, November 18, 2019.

Respectfully submitted,

UNITED STATES OF AMERICA

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United States Attorney

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